

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|----------------------|--|-----------------|--------------------------|-----------------|
| BUCKET NUMBER | ANTICIPATED CLASSIFICATION OF THIS APPLICATION: | | PRIOR APPLICATION | |
| | CLASS | SUBCLASS | EXAMINER | ART UNIT |
| 12008.15USC1 | 600 | 345.000 | M. ASTORINO | 3736 |

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EL674898658US
Date of Deposit: September 21, 2000

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

By: Linda McCormick
Name: Linda McCormick

CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b) of Serial No. 09/070,677, filed on April 30, 1998 entitled ANALYTE MONITORING DEVICE AND METHODS OF USE by the following inventor(s):

| | | | |
|------------------------------------|----------------------------|---------------------------------|-------------------------------------|
| Full Name Of Inventor | Family Name | First Given Name | Second Given Name |
| Residence & Citizenship | City | State or Foreign Country | Country of Citizenship |
| Post Office Address | Post Office Address | City | State & Zip Code/Country |
| Full Name Of Inventor | Family Name | First Given Name | Second Given Name |
| Residence & Citizenship | City | State or Foreign Country | Country of Citizenship |
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| Full Name Of Inventor | Family Name | First Given Name | Second Given Name |
| Residence & Citizenship | City | State or Foreign Country | Country of Citizenship |
| Post Office Address | Post Office Address | City | State & Zip Code/Country |
| Full Name Of Inventor | Family Name | First Given Name | Second Given Name |
| Residence & Citizenship | City | State or Foreign Country | Country of Citizenship |
| Post Office Address | Post Office Address | City | State & Zip Code/Country |

| | | | |
|-------------------------|--|--|--|
| Full Name Of Inventor | Family Name HELLER | First Given Name EPHRAIM | Second Given Name |
| Residence & Citizenship | City OAKLAND | State or Foreign Country CALIFORNIA | Country of Citizenship USA |
| Post Office Address | Post Office Address 8101 SKYLINE BOULEVARD | City OAKLAND | State & Zip Code/Country CALIFORNIA 94611/USA |
| Full Name Of Inventor | Family Name PLANTE | First Given Name PHILLIP | Second Given Name JOHN |
| Residence & Citizenship | City SUNNYVALE | State or Foreign Country CALIFORNIA | Country of Citizenship USA |
| Post Office Address | Post Office Address M-116, 655 SOUTH FAIR OAKS AVENUE | City SUNNYVALE | State & Zip Code/Country CALIFORNIA 94086/USA |
| Full Name Of Inventor | Family Name VREEKE | First Given Name MARK | Second Given Name S. |
| Residence & Citizenship | City ALAMEDA | State or Foreign Country CALIFORNIA | Country of Citizenship USA |
| Post Office Address | Post Office Address 2826 CALHOUN STREET | City ALAMEDA | State & Zip Code/Country CALIFORNIA 94501/USA |
| Full Name Of Inventor | Family Name FRIEDMAN | First Given Name KEITH | Second Given Name A. |
| Residence & Citizenship | City AUSTIN | State or Foreign Country TEXAS | Country of Citizenship USA |
| Post Office Address | Post Office Address 500 E. RIVERSIDE DRIVE, APT. 20 | City AUSTIN | State & Zip Code/Country TEXAS 78704/USA |
| Full Name Of Inventor | Family Name COLMAN | First Given Name FREDRIC | Second Given Name C. |
| Residence & Citizenship | City BERKELEY | State or Foreign Country CALIFORNIA | Country of Citizenship USA |
| Post Office Address | Post Office Address 6879 BRISTOL DRIVE | City BERKELEY | State & Zip Code/Country CALIFORNIA 94705/USA |

- ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, oath or declaration showing the applicant's signature, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 92 pages of specification, 120 claims, 1 page of abstract, 26 sheets of drawings, and 10 pages of oath or declaration.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
2. ☒ Cancel original claims 2-120 of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

3. ☒ The filing fee is calculated below:

CLAIMS AS FILED

| NUMBER FILED | NUMBER EXTRA | | RATE | FEE |
|----------------------------|--------------|---|-------------------|----------|
| TOTAL CLAIMS: 1 -20 | 0 | x | \$18.00 | 0.00 |
| INDEPENDENT CLAIMS 1 -3 | 0 | x | \$78.00 | 0.00 |
| | | | BASIC FILING FEE: | \$690.00 |
| | | | TOTAL FILING FEE: | 690.00 |
| | | | | |

☐ A Verified Statement that this filing is by a small entity is already filed in the prior application.

☐ A Verified Statement that this filing is by a small entity is attached.

☒ Payment of fees:

☒ Attached is a check in the amount of \$690.00

☐ Please charge Deposit Account No. 13-2725.

☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.

☒ Amend the specification by inserting before the first line the sentence:

"This application is a continuation of application Serial No. 09/070,677, filed April 30, 1998, which application(s) are incorporated herein by reference."

☒ A set of formal drawings (26 sheets) is enclosed.

☐ Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.

☐ The certified copy has been filed in prior application Serial No. , filed .

9. ☒ The prior application is assigned of record to TheraSense, Inc. located at Alameda, California.

10. ☒ The Power of Attorney in the prior application is to:

Merchant & Gould P.C.
Minneapolis, MN 55402-2215

11. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

☐ Fee for excess claims is attached.

12. ☐ A petition and fee has been filed to extend the term in the prior application until . A copy of the petition for extension of time in the prior application is attached.
13. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
14. ☐ Also Enclosed:
15. ☒ Address all future communications to the **Attention of Bruce E. Black** (may only be completed by attorney or agent of record) at the address below.
16. ☒ A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300



Date: Sept. 21, 2000

Bruce E. Black
Bruce E. Black
Reg. No. 41,622
BEB:PSTtdm

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